



~~April 18, 2006 CPC~~
~~June 20, 2006 CPC~~
July 26, 2006 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SN0213

Richmond 20 Mhz LLC
d.b.a. NTELOS

Bermuda Magisterial District
North line of Treely Road

REQUEST: Conditional Use Planned Development to permit a communications tower in an Agricultural (A) District.

PROPOSED LAND USE:

A communications tower with a maximum height of 199 feet is planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 AND 3.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. While the proposed tower location is adjacent to existing and anticipated residential development, the proposed location adjacent to a Resource Protection Area (RPA) on the edge of area development and as conditioned herein complies with the Public Facilities Plan and the locational criteria of the Tower Siting Policy which suggest that these facilities should be located to minimize the visual impact on planned and existing residential development.
- B. While the proposed tower location is in a potentially high visibility area just north of a proposed east/west major arterial, proffered conditions minimize the visual impact of the tower by ensuring retention of dense vegetation around the tower and by

providing design features which assist in mitigating the utilitarian nature of the tower.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

The Applicant (the "Applicant") in this zoning case, having power of attorney from the Property Owner, pursuant to Subsection 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the 13.9 acre parcel (the "Property") that is a part of the property known as GPIN 788640010700000 (Part of) under consideration will be developed according to the following conditions if, and only if, the rezoning from A to A with a Conditional Use Planned Development is granted. In the event the request is denied or approved with conditions not agreed to by the Applicant, the proffers and conditions shall immediately be null and void and of no further force or effect.

"Sketch Plan": The plan entitled "Preliminary Sketch of a Proposed Communications Tower Site, Site: Harrowgate, RMB—0229, Chesterfield County", prepared by Johnson, Mirmiran & Thompson and dated May, 17, 2005, last revised June 19, 2006.

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|-------------|----|--|
| (STAFF/CPC) | 1. | The telecommunications tower and the access road to the telecommunications tower site shall be installed and constructed generally in conformance with the Sketch Plan. (P) |
| (STAFF/CPC) | 2. | There shall be no signs permitted to identify this use. (P) |
| (STAFF/CPC) | 3. | The base of the tower shall be enclosed by a minimum six (6) foot high fence designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground mounted equipment or structures from adjacent properties. Other than where necessary to provide access to the tower compound and to provide utility service to the tower compound, a buffer of mature trees shall be preserved in the area designated as "Buffer Area" (the "Buffer") on the Sketch Plan. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. Except as otherwise provided herein, no trees within the Buffer may be removed unless such trees are dead, diseased or dying. (P) |

- (STAFF/CPC) 4. The color and lighting system for the tower and the design of the tower shall be as follows:
- a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted.
 - c. The tower shall be a monopole structure.
 - d. All antennas shall be installed using a flush mount design. (P)
- (STAFF/CPC) 5. Any building or mechanical equipment shall comply with the Emerging Growth District Standards for commercial uses as identified in the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)
- (STAFF/CPC) 6. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) months, the Applicant shall dismantle and remove the tower and all associated equipment from the property. (P)

GENERAL INFORMATION

Location:

North line of Treely Road, east of Branders Bridge Road. Tax ID 788-640-Part of 0107 (Sheet 34).

Existing Zoning:

Agricultural (A)

Size:

13.9 acres

Existing Land Use:

Single family residential

Adjacent Zoning and Land Use:

North - R-15; Single family residential or vacant
South - A and R-9; Single family residential or vacant
East - R-12; Single family residential or vacant
West - A; Vacant

UTILITIES

The proposed use will not necessitate a manned facility; therefore, the use of the public water and wastewater systems is not required.

ENVIRONMENTAL

Drainage and Erosion:

If the tower installation and construction of associated improvements disturbs more than 2,500 square feet of land, a land disturbance permit will be required.

PUBLIC FACILITIES

Fire Service:

The proposed tower and associated equipment will have a minimal impact on fire and Emergency Medical Service (EMS).

Transportation:

The proposed development (communications tower) on the property will have a minimal impact on the existing transportation network.

The Thoroughfare Plan identifies a proposed east/west major arterial with a recommended right-of-way width of ninety (90) feet extending from Harrowgate Road at the Wellspring Road intersection, west to Branders Bridge Road. A tentative subdivision plat (Wellsprings Subdivision) has been approved for the property west of Harrowgate Road. In conjunction with development of Wellsprings Subdivision, the proposed east/west arterial will be constructed through that property. The proposed alignment of the east/west arterial will align with part of Treely Road as it approaches Branders Bridge Road. This proposed communications tower site and buffer is located north (approximately 100 feet) of the proposed east/west arterial.

COUNTY COMMUNICATIONS

The Zoning Ordinance requires that any structure over eighty (80) feet in height be reviewed by the County's Public Safety Review Team for potential detrimental impacts the structure could have on the County's Radio Communications System microwave paths. This determination must be made prior to construction of the communications tower. Once the tower is in operation, if interference occurs, the owner/developer will be required to correct any problems.

COUNTY AIRPORT

A preliminary review of this tower proposal has indicated that, given the approximate location and elevation of the proposed installation, it appears the tower will not adversely affect the Chesterfield County Airport.

LAND USE

Comprehensive Plan and Tower Siting Policy:

The Public Facilities Plan, an element of the Comprehensive Plan, suggests that communications facilities should be located in areas so as to minimize impacts on existing and future areas of development and to reduce locations adjacent to planned or existing residential development. The proposed location is located in an area of anticipated residential development as suggested by the Southern and Western Area Plan as appropriate for residential use of 2.51 to 4.0 dwelling units per acre and is adjacent to existing and planned residential development within Greenbriar, Stoney Glen South and Wellsprings Subdivisions. The Public Facilities Plan suggests that sites with existing mature vegetation or topographical features which provide screening are preferred due to their natural ability to mitigate visual and noise impacts and that such locations should be consistent with the adopted guidelines of the Tower Siting Policy.

The Tower Siting Policy suggests that communications towers should be generally located away from existing or planned areas of residential development and high visibility areas such as major roads and that the view of the towers from these areas should be minimized. The Policy provides that when towers are located in the vicinity of existing or planned areas of development or other high visibility areas, the tower should be architecturally incorporated in the design of an existing structure, such as a church or office building; possess design features that mask the utilitarian nature of the tower; or be located as remotely as possible from existing or planned areas of development or other high visibility areas on property that is densely wooded with mature trees.

Dwellings within 2,000 feet of the tower are shown on the attachment. It is important to note that residential structures on this map were placed according to aerial photographs taken in 1994 and therefore may not fully represent all the structures in the area.

As such, the proposed location conforms to the tower siting criteria. As previously noted, the County guidelines suggest that towers should be located as remotely as possible from existing or planned areas of development or other high visibility areas. Typically, as with this request, such placement would be in the vicinity of stream beds or Resource Protection Areas (RPA) that generally define the edge of future residential developments. These wooded areas provide appropriate separation and screening from future residential neighborhoods. In addition, Proffered Condition 3 guarantees that mature vegetation will be retained around the base of the tower to mitigate the impact of the tower on area development.

Area Development Trends:

The proposed tower location is in an area surrounded by existing and planned residential development on properties zoned R-9, R-12, and R-15. A portion of the property to the south and property to the west is zoned Agricultural (A), but is also planned for residential development.

Site Design and Development Standards:

Proffered Condition 1 requires the proposed tower to be located and constructed generally in conformance with the Sketch Plan. (Attachment)

The request property is located within an Emerging Growth District. The Zoning Ordinance contains development standards within these areas to promote well-designed, quality projects, however, because the property is zoned Agricultural (A), these standards would not apply. Proffered Condition 5 requires the architectural treatment for any building or mechanical equipment to comply with Emerging Growth District Standards for commercial use.

In addition, proffered conditions require other typical design standards relative to tower design, signage, security fencing and color. (Proffered Conditions 2, 3 and 4.)

Consistent with past actions on similar facilities to ensure that the tower does not become a maintenance problem or an eyesore, if approved, the tower should be removed at such time that it ceases to be used for communications purposes.

These typical standards will assist in mitigating the visual impact of the proposed tower.

Lighting:

The Zoning Ordinance would permit the proposed tower to have a maximum of height of 199 feet. The Federal Aviation Administration (FAA) normally does not require towers to be lighted which are less than 200 feet in height. The Tower Siting Policy suggests that towers should not be lighted, especially in residential areas. Proffered Condition 4 prohibits lighting on the tower.

Buffer:

Proffered Condition 3 provides for the retention of vegetation around the base of the tower. Generally, a 100 foot buffer will be provided on the north, south and west sides of the proposed tower and on the eastern side of the tower, a buffer approximately 316 feet in width will be retained between the tower site and the Resource Protection Area (RPA) boundary. This buffer area is shown on the "Sketch Plan" last revised June 19, 2006. This buffer will assist in mitigating the visual impact of the tower on area development and from the proposed east/west arterial. In addition, the buffer clearly establishes the edge of

development to the east since vegetation will be retained between the tower location and the RPA.

CONCLUSIONS

The proposal conforms to the Public Facilities Plan and the Tower Siting Policy. While the request property is in an area of existing and planned residential development, the proposed facility is planned on the edge of area development which will minimize the impact on the surrounding development. In addition, while the proposed tower location is in a potentially high visibility area given its proximity to the planned east/west arterial, the proffered conditions minimize the visual impact of the tower.

Given these considerations, approval of the request is recommended.

CASE HISTORY

Planning Commission Meeting (4/18/06):

At the request of the applicant, the Commission deferred this case to June 20, 2006.

Staff (4/19/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than April 24, 2006, for consideration at the Commission's June 20, 2006, public hearing.

Also, the applicant was advised that a \$130.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (6/8/06):

Proffered conditions and a revised Sketch Plan were submitted.

Applicant (6/16/006):

The deferral fee was paid.

Applicant (6/19/06):

Revisions to Proffered Condition 3 and a revised "Sketch Plan" were submitted.

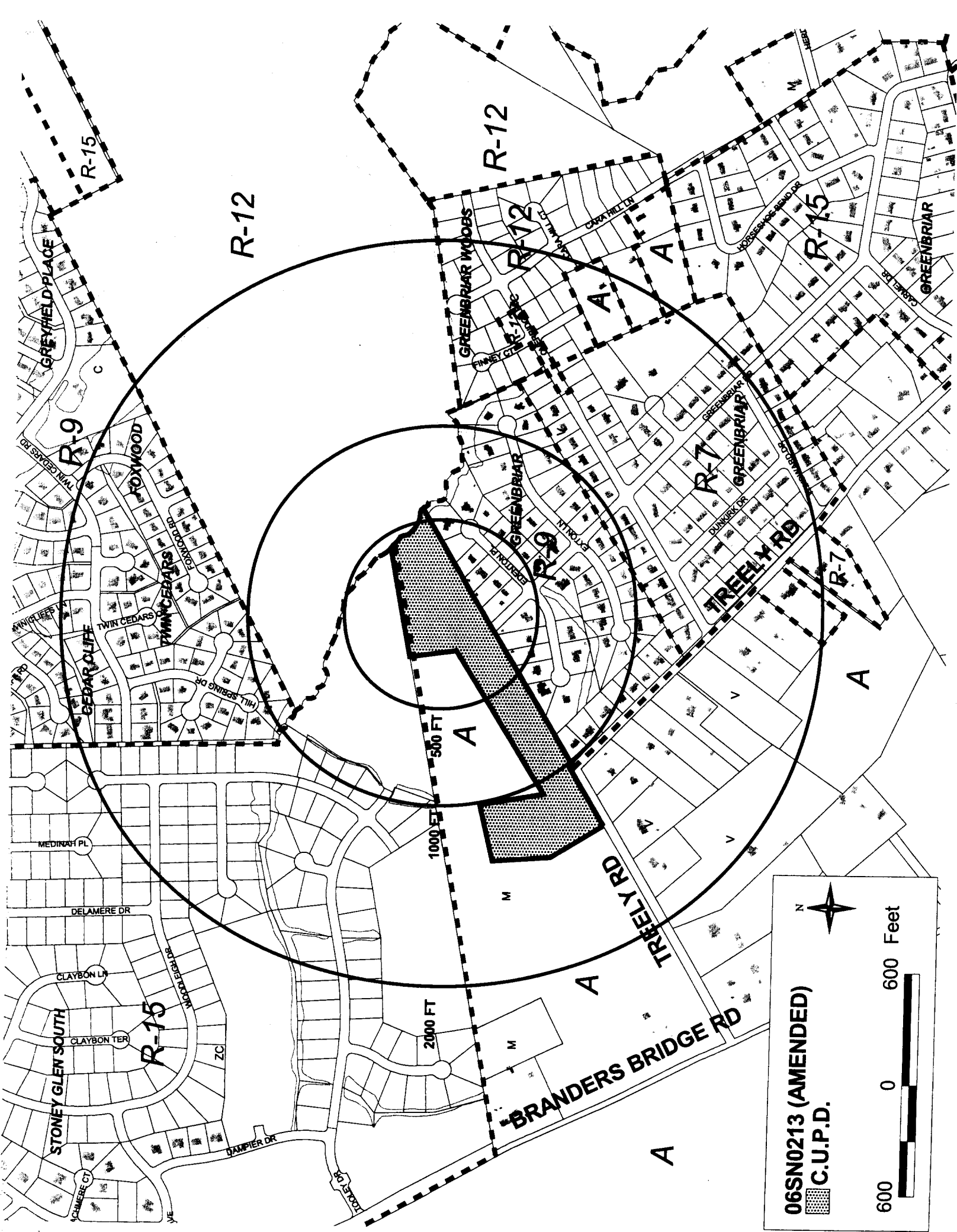
Planning Commission Meeting (6/20/06):

The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission recommended approval and acceptance of the proffered conditions on pages 2 and 3.

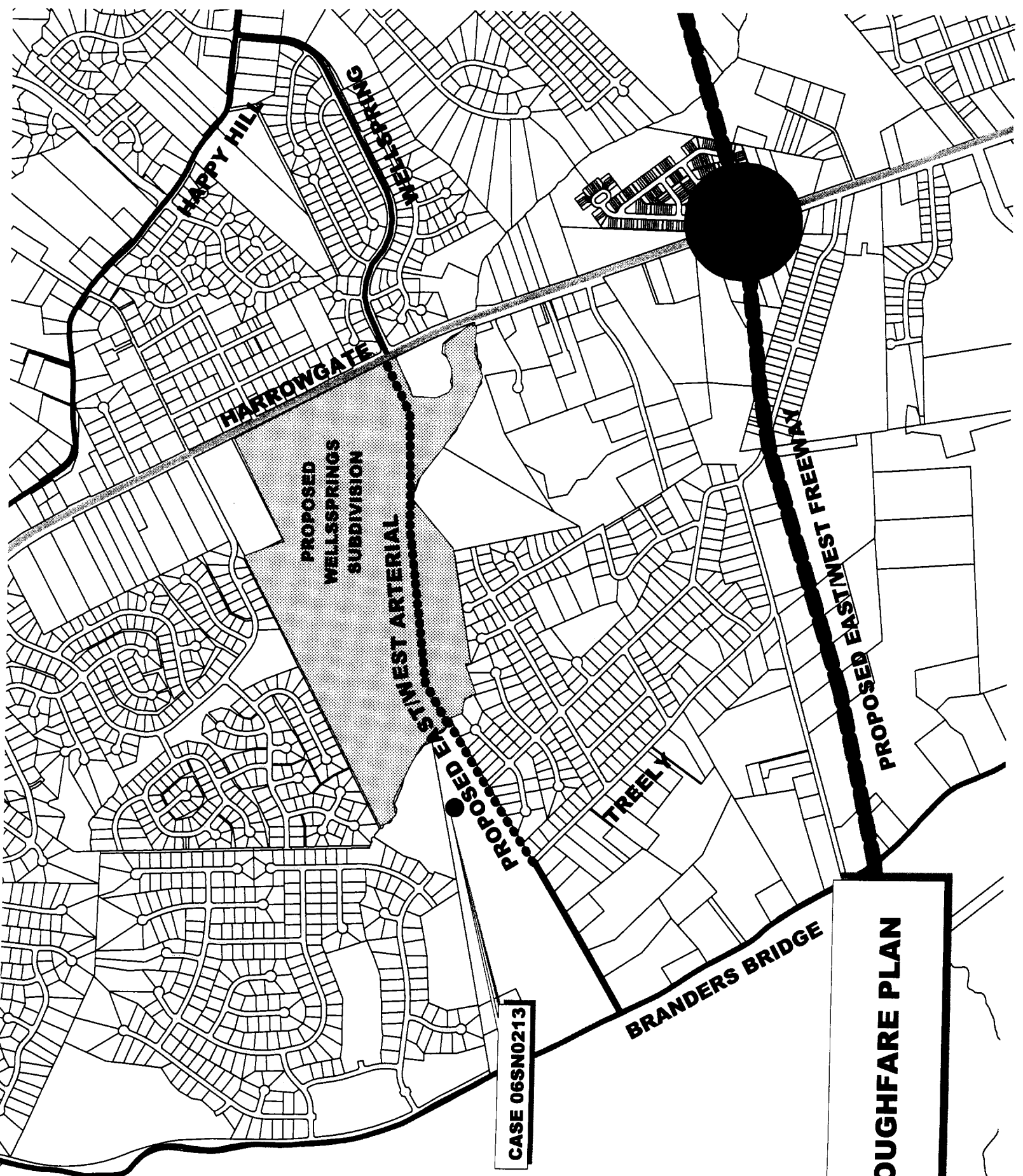
AYES: Unanimous.

The Board of Supervisors, on Wednesday, July 26, 2006, beginning at 7:00 p.m., will take under consideration this request.



06SN0213 (AMENDED)
C.U.P.D.





CASE 06SN0213

BRANDERS BRIDGE

THOROUGHFARE PLAN